

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) KATHLEEN LAY,)
)
)
Plaintiff,)
)
v.) Case No. 15-cv-330-TCK-FHM
) [District Court in and for Tulsa
(1) KAISER-FRANCIS OIL) County, Oklahoma
COMPANY,) Case No. CJ-2015-00876]
)
Defendant.)
)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Kaiser-Francis Oil Company (“KFOC”) hereby appears¹ and provides notice of its removal of this action pursuant to 28 U.S.C. § 1441 and § 1446 from the District Court of Tulsa County in the State of Oklahoma to the United States District Court for the Northern District of Oklahoma.

In support of the removal, KFOC states as follows:

1. A Petition for alleged violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* (“ADEA”) has been filed and is pending in the District Court of Tulsa County in the State of Oklahoma, captioned Kathleen Lay, Plaintiff, and Kaiser-Francis Oil Company, Defendant, No. CJ-2015-00876. *See*, Exhibit 1 Petition attached hereto.

¹ In making its appearance, KFOC reserves all rights and defenses including, but not limited to, jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim, failure to join an indispensable party, running of the statute of limitations, and Plaintiff’s inability to make out a prima facie case in support of her claims.

2. The claims and allegations set out in Plaintiff's Petition arise under the laws of the United States, specifically under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* ("ADEA").
3. The Court has original jurisdiction of the claims alleged in the Petition pursuant to 28 U.S.C. § 1331, and this action may, therefore, be removed by Defendant to this Court pursuant to 28 U.S.C. § 1441.
4. This Court will have supplemental jurisdiction over Defendant's potential counterclaims, pursuant to 28 U.S.C. § 1337, as these claims relate to and from the same case or controversy as Plaintiff's claims under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, *et seq.* ("ADEA"). The entire action is removable pursuant to 28 U.S.C. § 1441(c).
5. In compliance with 28 U.S.C. § 1446 and LCvR81.2, the Summons is attached hereto as Exhibit 2 (Petition is attached hereto as Exhibit 1).
6. In accordance with LCvR81.2, the State Court Docket Sheet is attached hereto as Exhibit 3.
7. There is no presently pending discovery in this matter.
8. Written notice of removal shall be given to all adverse parties and a copy of this Appearance and Notice of Removal will be filed with the Clerk of the District Court of Tulsa County in the State of Oklahoma, in accordance with 28 U.S.C. § 1446.

9. As set forth above and in footnote 1, Defendant expressly reserves all rights and defenses relating to Plaintiff's claims.

Dated this 11th day of June, 2015.

Respectfully Submitted,

/s/ Erica Anne Dorwart

Erica Anne Dorwart, OBA No. 18367
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*Attorney for Defendant,
Kaiser-Francis Oil Company*

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of June, 2015, I electronically transmitted the foregoing document to the Clerk of the Court using the email address CM-ECFIntake_OKND@oknd.uscourts.gov for filing and placed the same above and foregoing document in the U.S. mail, with proper postage pre-paid, addressed to the following:

Daniel E. Smolen
701 South Cincinnati Avenue
Tulsa, OK 74119
918-585-2667 (telephone)
918-585-2669 (fax)

/s/ Erica Anne Dorwart
Erica Anne Dorwart